IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 17837 of 2005

Between:

Nallamilli Venkata Reddy, S/o. Srirama Reddy,
Alamuru Village, Penumantra (M), W.G.District.

..... PETITIONER

AND

1 Revenue Divisionald Officer, Kovvur Revenue Division, Kovvur, W.G.District.
2 The Mandal Revenue Officer, Penumantra Mandal, W.G.District.

.....RESPONDENTS

ORDER:

This writ petition filed challenging the action of the respondents in taking steps to disposes the petitioner from the lands fin an extent of Ac.0.40 cents in R.S.No.114/3 of Alamuru Village, Penumantra Mandal, West Godavari District pending appeal before the first respondent against the orders of the second respondent dated 01.06.2005 for resumption of the said land and to set aside the orders of the second respondent directing not to dispossess the petitioner.

The case of the petitioner is that he is in peaceful possession and enjoyment of Ac.0.72 cents of land in R.S.No.114/3 of Alamuru Vilage, Penumantra Mandal, West Godavari District having purchased the same from his vendor Gandabhavani under a registered Sale Deed dated 11.11.1982, which was purchased by his vendor in the year 1975. While so, the second respondent passed orders of resumption of land by invoking the provisions of Act 7 of 1977 without considering his explanation. The petitioner is the bona fide purchaser of the land and except this land he has no other land and therefore, the provisions of Act is not applicable. The petitioner filed an appeal before the first respondent on 07.07.2005. Pending appeal the petitioner requested to stay the orders of the second respondent, but no orders have been

passed. While so, on 08.08.2005 the second respondent visited the property and insisted him to stop the agricultural operation, even without waiting the result of the appeal. Hence, the writ petition.

Heard the learned counsel on either side.

As seen from the record, it is evident that the petitioner is in peaceful possession and enjoyment of the said land having purchased the same from his vendor in the year 1982. It is also clear that the respondents passed the orders of resumption of land by invoking the provisions of Act 7 of 1977. It is also clear that the petitioner preferred an appeal before the first respondent on 7.7.2005 placing all the material.

In the above circumstances, I deem it appropriate to direct the respondent No.1 to dispose of the appeal filed by the petitioner, dated 07.07.2005 within a period of 12 weeks from the date of receipt of a copy of this order. Till such time respondents are further directed not to interfere with the possession and enjoyment of the petitioners schedule land without following the due process of law.

With the above observation the writ petition is disposed of. No costs.

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12-08-2005

kvrm